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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/753,170

01/02/2001

Brent M. Bradburn

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05/12/2004

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EXAMINER

TUCKER, WESLEY J

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,170

Applicant(s)

BRADBURN, BRENT M.

Examiner

Wes Tucker

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-2-04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-20 is/are allowed.
- 6) ☒ Claim(s) 1,21-23, and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's response to the last Office Action, filed December 16, 2003 has been entered and made of record.
2. Applicant has amended Claims 1, 2, 8, 9, 15, and 16 and added Claims 21-30. Claims 1-30 are pending.
3. Applicant's arguments have been fully considered but are not persuasive for at least the following reasons:
 4. With regard to claim 1, the newly added limitations of "reducing at least one of the neighborhood pixel values" or "increasing at least one of the neighbor pixel values" are not considered to overcome the prior art of record for at least the following reasons. The prior art U.S. Patent 6,453,068 to Li discloses increasing or decreasing the pixel value of the target pixel depending on the average of the neighborhood of pixels in moving window application as is well known in the art. As the window or neighborhood is incremented to each location one of the neighborhood pixels from the previous neighborhood will become the target pixel and will either be increased or decreased, and therefore the amended claim 1 does not overcome the reference of Lee because as claimed the neighborhood pixels are not increased or decreased in response to increasing or decreasing the target pixel. The rejection of claim 1 is maintained.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 21, 22, 23, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,453,068 to Li.

6. With regard to claim 1, Li discloses a method of operating a pixel processing system, the method comprising:

Receiving a target pixel value and neighbor pixel values (column 1, lines 57-60);

Determining a minimum value and a maximum value among the neighbor pixel values (column 2, lines 5-7);

If the target pixel value is less than the minimum value, then increasing the target pixel value and reducing at least one of the neighborhood pixel values (column 2, lines 22-26); and

If the target pixel value is greater than the maximum value, then reducing the target pixel value and increasing at least one of the neighborhood pixel values (column 2, lines 17-21).

7. With regard to claim 21, Li discloses the method of claim 1, wherein:
increasing the target pixel value comprises increasing the target pixel value to at least the minimum value (column 2, lines 18-22 and column 5, lines 20-25); and

reducing the target pixel value comprises reducing the target pixel value to at least the minimum value (column 2, lines 18-22 and column 5, lines 20-25).

Li discloses overshoot coefficients to reduce or increase the target pixel value by different percentages of the overshoot (i.e. $f=0.50$ or $f=0.75$). It is understood that the overshoot could be reduced by using $f=1.0$ or 100%.

8. With regard to claim 22, the discussion of claim 21 applies.

9. With regard to claim 23, the discussion above in the Response to Amendments section applies regarding the moving window of neighborhood pixels applies. As the window moves different pixels in the neighborhood will be increased or decreased as the moving window neighborhood of pixels increments positions.

10. With regard to claim 30, the discussion above in Response to Amendments Section and the rejection of claim 1 applies. Claim 30 reverses the order

of target pixel and neighborhood pixel adjustment so the same discussion of moving window neighborhoods applies.

Allowable Subject Matter

11. Claims 2-20 and 24-29 are allowed.

Conclusion


12. Applicant's amendment to claim 1 was not sufficient to overcome the prior art. The additional claims 21-23 and 30 necessitated the new grounds of rejection presented in the Office Action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AMELIA M. AU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Wes Tucker
5-5-2004